

APR 23 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NAVDEEP KAUR BHATT,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-73152

Agency No. A072-404-003

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 13, 2009^{**}

Before: GRABER, GOULD, and BEA, Circuit Judges.

Navdeep Kaur Bhatt, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's ("IJ") decision denying her application for asylum,

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review the agency’s factual findings for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n. 1 (1992) and review de novo due process claims, *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). We deny the petition for review.

We reject Bhatt’s contention that the BIA failed to adjudicate her claim on appeal. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error and prejudice for due process violation).

We also reject Bhatt’s due process challenge that she was prejudiced by the substitution of immigration judges during her asylum proceeding, because she cannot demonstrate prejudice. *See id.*; *see also Vides-Vides v. INS*, 783 F.2d 1463, 1469 (9th Cir. 1986) (denying due process claim where petitioner not prejudiced by substitution of IJ).

To the extent that Bhatt contends that she established past persecution and a well-founded fear of future persecution, the record does not compel such a finding. *See Elias-Zacarias*, 502 U.S. at 481-82.

Bhatt does not raise any arguments in her opening brief regarding the BIA’s denial of withholding of removal and CAT relief. *See Martinez-Serrano v. INS*,

94 F.3d 1256, 1259-60 (9th Cir. 1996) (“Issues raised in a brief that are not supported by argument are deemed abandoned.”).

PETITION FOR REVIEW DENIED.